



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 79

ST. JOHN'S, FRIDAY, MAY 7, 2004

No. 19

URBAN AND RURAL PLANNING ACT

NOTICE OF REGISTRATION ST. JOHN'S MUNICIPAL PLAN AMENDMENT NUMBER 7, 2004 & ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 311, 2004

Take notice that the St. John's Municipal Plan Amendment Number 7, 2004 and the St. John's Development Regulations Amendment Number 311, 2004 adopted on the 5th day of April, 2004 and approved on the 27th day of April, 2004, have been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of Municipal Plan Amendment Number 7, 2004 is to redesignate land at Civic Number 271 Blackmarsh Road to the Commercial General Land Use District.

In general terms, the purpose of Development Regulations Amendment Number 311, 2004 is to rezone land at Civic Number 271 Blackmarsh Road to the Commercial Neighbourhood (CN) Zone..

The Municipal Plan Amendment No. 7, 2004 and the Development Regulations Amendment No. 311, 2004 come into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the amendments may do so at the Department of Planning, 3rd Floor, St. John's City Hall during normal business hours which are Monday through Friday from 9:00 am to 4:30 pm.

ENGINEERING & PLANNING DEPARTMENT
Cliff Johnson

May 7

NOTICE OF REGISTRATION ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 313, 2004

Take notice that the St. John's Development Regulations Amendment Number 313, 2004 adopted on the 19th day of April, 2004 has been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of Development Regulations Amendment Number 313, 2004 is to rezone land at Civic Number 484 Main Road, to the Commercial Neighbourhood (CN) Zone.

The Development Regulations Amendment No. 313, 2004 comes into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the amendment may do so at the Department of Planning, 3rd Floor, St. John's City Hall during normal business hours which are Monday through Friday from 9:00 am to 4:30 pm.

ENGINEERING & PLANNING DEPARTMENT
Cliff Johnson

May 7

NOTICE OF REGISTRATION ST. JOHN'S MUNICIPAL PLAN AMENDMENT NUMBER 6, 2004 & ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 308, 2004

Take notice that the St. John's Municipal Plan Amendment Number 6, 2004 and the St. John's Development Regulations Amendment Number 308, 2004 adopted on the 5th day of April, 2004 and approved on the 27th day of April, 2004, have been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of Municipal Plan Amendment Number 6, 2004 is to redesignate land on the north side of Blackmarsh Road near the intersection of Blackmarsh Road and Columbus Drive, to the Commercial General Land Use District.

In general terms, the purpose of Development Regulations Amendment Number 308, 2004 is to rezone land on the north side of Blackmarsh Road near the intersection of Blackmarsh Road and Columbus Drive, to the Commercial Regional (CR) Zone.

The Municipal Plan Amendment No. 6, 2004 and the Development Regulations Amendment No. 308, 2004 come into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the amendments may do so at the Department of Planning, 3rd Floor, St. John's City Hall during normal business hours which are Monday through Friday from 9:00 am to 4:30 pm.

ENGINEERING & PLANNING DEPARTMENT
Cliff Johnson

May 7

TRUSTEE ACT

ESTATE NOTICE

IN THE MATTER OF the Estate of Donald Templeman of St. John's, Electoral District of St. John's East in the Province of Newfoundland and Labrador, Retired Banker, Widower, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Donald Templeman late of St. John's, aforesaid, deceased are hereby requested to send particulars thereof in writing, duly attested to Deanne M. Penney, PATTERSON PALMER, at Scotia Centre, 235 Water Street, P. O. Box 610, St. John's, Newfoundland and Labrador, Solicitors for the estate of the deceased on or before 4 June, 2004 after which date the Solicitors will proceed to distribute the said estate, having regard only to the claims which they shall then have had notice..

DATED at St. John's this 28th day of April, 2004.

PATTERSON PALMER
Solicitors for the Estate of Donald Templeman
PER: Deanne M. Penney

ADDRESS FOR SERVICE
10th Floor, Scotia Centre
235 Water Street, P. O. Box 610
St. John's, NL A1C 5L3

May 7

QUIETING OF TITLES

2004 01 T 2087 IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR TRIAL DIVISION

IN THE MATTER OF an Application of Walter Hennessey, of Conception Bay South, Province of Newfoundland and Labrador, to have title to that piece or parcel of land situate and being on Tilley's Road South, in the Town of Conception Bay South, Province of Newfoundland and Labrador containing an area of 2.2561 ha. investigated and declared under the *Quieting of Titles Act*, R.S.N. 1990, c. Q-3.

NOTICE

NOTICE is hereby given to all parties that Walter Hennessey (hereinafter called the "Owner") has applied to the Supreme Court of Newfoundland, Trial Division to have investigated ALL THAT piece or parcel of land situate and being on Tilley's Road South, in the Town of Conception Bay South, aforesaid containing an area of 2.2561 ha. more or less, and being abutted as follows, that is to say:

ALL THAT piece or parcel of land situate and being West of Tilley's Road South, Kelligrews, in the Province of Newfoundland, Canada, bounded and abutted as follows: that is to say beginning at a point, said point having M.T.M. Grid Co-ordinates (C.M. 53°) [NAD 83] of N 5 261 529.445 and E 304 561.977;

THENCE RUNNING South sixteen degrees twenty nine minutes thirty seven seconds East (S 16° 29' 37" E), a distance of 19.733 meters by the Western Limits of Tilley's Road South to a point;

THENCE turning and running South ten degrees fifty nine minutes thirty four seconds East (S 10° 59' 34" E), a distance of 31.771 meters by the Western Limits of Tilley's Road South to a point;

THENCE turning and running South fourteen degrees thirty one minutes fifty seven seconds East (S 14° 31' 57" E), a distance of 58.235 meters by the Western Limits of Tilley's Road South to a point;

THENCE turning and running South seventy three degrees seven minutes fifty seven seconds West (S 73° 07' 57"), a distance of 27.070 meters by land of Wayne Degruchy [R 894 F2776] to a point;

THENCE turning and running South sixty five degrees fifty three minutes fifty seven seconds West (S 65° 53' 57" W), a distance of 7.500 meters by land of Wayne Degruchy [R 894 F2776] to a point;

THENCE turning and running South fifty seven degrees twenty three minutes fifty seven seconds West (S 57° 23'

57" W), a distance of 14.000 meters by land of Wayne Degruchy [R 894 F2776] to a point;

THENCE turning and running South forty six degrees thirty eight minutes fifty seven seconds West (S 46° 38' 57" W), a distance of 12.500 meters by land of Wayne Degruchy [R 894 F2776] to a point;

THENCE turning and running South fifty one degrees three minutes fifty seven seconds West (S 51° 03' 57" W), a distance of 15.000 meters by land of Wayne Degruchy [R 894 F2776] to a point;

THENCE turning and running South forty four degrees fifty three minutes fifty seven seconds West (S 44° 53' 57" W), a distance of 15.500 meters by land of Wayne Degruchy [R 894 F2776] to a point;

THENCE turning and running South forty seven degrees thirty five minutes three seconds West (S 47° 35' 03" W), a distance of 23.210 meters by land of Wayne Degruchy [R 894 F2776] to a point;

THENCE turning and running South forty seven degrees forty one minutes nine seconds West (S 47° 41' 09" W), a distance of 21.090 meters by land of Gregory Hobbs [R 1861 F1187] to a point;

THENCE turning and running North forty six degrees fourteen minutes fifty six seconds West (N 46° 14' 56" W), a distance of 25.390 meters by land of Lloyd Jefford to a point;

THENCE turning and running North twenty four degrees twenty two minutes fifty seven seconds West (N 24° 22' 57" W), a distance of 10.240 meters by land of Lloyd Jefford to a point;

THENCE turning and running North twenty five degrees fifty six minutes twenty nine seconds West (N 25° 56' 29" W), a distance of 24.670 meters by land of Lloyd Jefford to a point;

THENCE turning and running North thirty one degrees twenty five minutes forty eight seconds West (N 31° 25' 48" W), a distance of 34.050 meters by land of Lloyd Jefford to a point;

THENCE turning and running North twenty two degrees forty eight minutes eleven seconds West (N 22° 48' 11" W), a distance of 27.140 meters by land of Lloyd Jefford to a point;

THENCE turning and running North twenty four degrees thirty three minutes two seconds East (N 24° 33' 02" E), a distance of 46.980 meters by the Eastern Limits of Buckley's Road to a point;

THENCE turning and running North twenty four degrees fourteen minutes twenty eight seconds East (N 24° 14' 28" E), a distance of 54.030 meters by the Eastern Limits of Buckley's Road to a point;

THENCE turning and running North nineteen degrees fifty eight minutes twenty two seconds East (N 19° 58' 22" E), a distance of 30.142 meters by the Eastern Limits of Buckley's Road to a point;

THENCE turning and running South twenty eight degrees thirty one minutes fifty seven seconds East (S 28° 31' 57" E), a distance of 9.311 meters by the Southern Limits of Conception Bay South Bypass Road to a point;

THENCE turning and running along a curve to the right having a radius of 603.709 meters, an arc of 18.808 meters and a chord of South seventy one degrees zero minutes thirty nine seconds East (S 71° 00' 39" E) a distance of 18.807 meters by the Southern Limits of Conception Bay South Bypass Road to a point;

THENCE turning and running South seventy degrees five minutes thirty seconds East (S 70° 05' 30" E), a distance of 74.561 meters by the Southern Limits of Conception Bay South Bypass Road to the PLACE OF BEGINNING and containing in all an area of 2.2561 hectares as more particularly described and delineated on plan T4070, 06 Apr 04 hereto annexed.

ALL bearings are referred to Grid North.

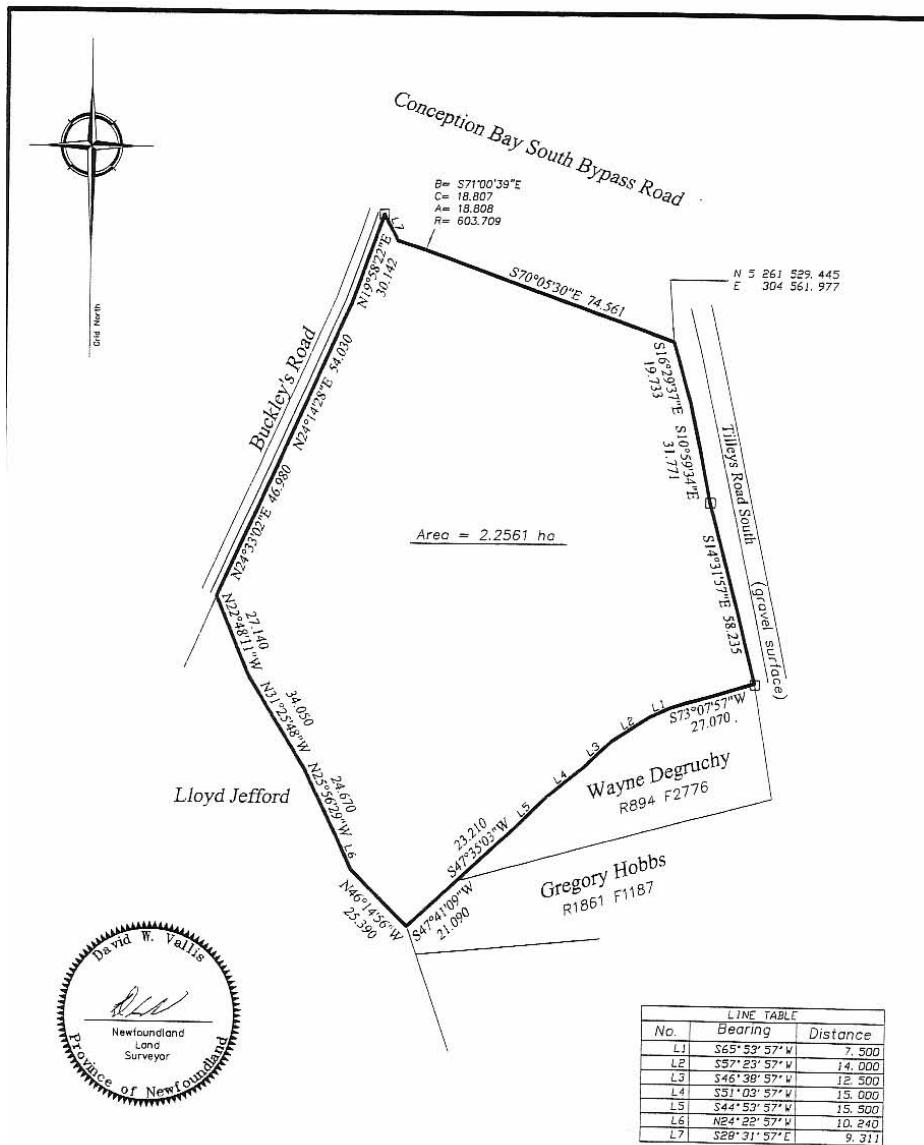
All persons having title adverse to the said title claims by the Owner shall file in the Registry of the Supreme Court of Newfoundland and Labrador, Trial Division particulars of such adverse claim and serve same, together with an Affidavit verifying same, to the 10th day of June, A.D., 2004, after which date no party having a claim shall be permitted to file same or be heard except by leave of the Court and subject to such conditions as the Court may deem just. All adverse claims shall then be registered on such manner as the Supreme Court may direct.

O'DEA, EARLE
Solicitors for the Petitioner/Applicant
PER: Gregory F. Kirby

ADDRESS FOR SERVICE:
323 Duckworth Street
P.O. Box 5955
St. John's, NL
A1C 5X4

May 7

THE NEWFOUNDLAND AND LABRADOR
May 7, 2004



Notes:- This plan certifies the information as of the date shown and only as of this date. All distances are Metric.

© D.W. Voss, Newfoundland Land Surveyor, 2004. Unauthorized use, alteration or reproduction of this property report is prohibited by law as outlined in the Copyright Act. However, use and reproduction thereof by or on behalf of the person to whom this report is addressed is permitted, provided that no alterations whatsoever are made thereto. For further information contact the author at [709] 747-5923, Fax 747-0172, E-mail: dvoss@critter.net

LINE TABLE		
No.	Bearing	Distance
L1	S65° 53' 57" W	7,500
L2	S57° 23' 57" W	14,000
L3	S46° 38' 57" W	12,500
L4	S51° 03' 57" W	15,000
L5	S44° 57' 57" W	15,500
L6	N44° 22' 57" W	10,240
L7	S29° 31' 52" E	8,310

LEGEND:-

CONTROL MONUMENT
 PLACED IRON BAR
 OUND IRON BAR
 POLE OR LIGHT STANDARD
 PROPERTY DEALT WITH
 ENCE LINES
 POWER-TELEPHONE LINES
 ALIGNMENT



MONUMENTS USED FOR CONTROL

[C. M. 53°] [NAD 83] [GPS]

94G0003 N 5 264 151,719 F 321 018 396

Combined Scale Factor = 0.999884

Boundary Survey
Walt Hennessey

Tilleys Road South, Kelligrews, Newfoundland

survey by: D.W.V. date Apr 6, 04 scale: 1:1500 page: 1 of 1 job no.: T4070

CHANGE OF NAME ACT

C-8 RSN 1990

**NOTICE OF APPLICATION
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

SARAH HORWOOD

of 2A Emerald Drive, Mount Pearl, A1N 4W7 in the Province of Newfoundland and Labrador, as follows:

To change my unmarried child's name from

ALYSSA MINNIE HOOKEY
to
ALYSSA MARIE HORWOOD

DATED this 9th day of April, 2004

SARAH HORWOOD
(Signature of Applicant)

May 7

**NOTICE OF APPLICATION
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

JOANNE ELIZABETH SPARKES

of P. O. Box 162, Conception Harbour, A0A 1Z0, Mount Pearl, in the Province of Newfoundland and Labrador, as follows:

To change my name from

JOANNE SPARKES
to
JOANNE ELIZABETH CULLEN

DATED this 29th day of April, 2004

JOANNE SPARKES
(Signature of Applicant)

May 7

**NOTICE OF APPLICATION
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

MICHELE DONNA BLUNDON

of 15 Woodford Drive, Mount Pearl, in the Province of Newfoundland and Labrador, as follows:

To change my unmarried child's name from

MIKELA ROSA-ANNE EILEEN KLARTOFT
to
MIKELA ROSA-ANNE EILEEN BLUNDON

DATED this 29th day of April, 2004

MICHELE BLUNDON
(Signature of Applicant)

May 7

**NOTICE OF APPLICATION
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

CHERRIE MILLS

of 14 Drake Crescent, St. John's, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

DEVIN DRAPER BEMISTER
to
DEVIN DRAPER MILLS

DATED this 27th day of April, 2004

CHERRIE MILLS
(Signature of Applicant)

May 7



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

**SUBORDINATE LEGISLATION
FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT**

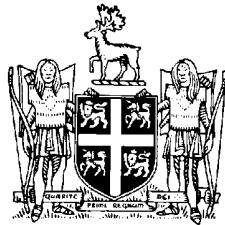
Vol. 79

ST. JOHN'S, FRIDAY, MAY 7, 2004

No. 19

**NEWFOUNDLAND AND LABRADOR
REGULATION**

NLR 34/04



**NEWFOUNDLAND AND LABRADOR
REGULATION 34/04**

*Small Claims Rules (Amendment)
under the
Small Claims Act*

(Filed May 6, 2004)

Under the authority of section 7 of the *Small Claims Act*, the Rules Committee makes the following Rules.

Dated at St. John's, April 21, 2004.

M. Reginald Reid
Chief Provincial Court Judge

David Orr
Provincial Court Judge

Irene Muzychka
Law Society Representative

Mary J. (McCarthy) Mandville
Attorney General Designate

RULES

Analysis

1. Sch. Amdt.

NLR 52/97
as amended

1. The second section of the Schedule to the *Small Claims Rules* is repealed and the following substituted:

The fees and costs which are payable to the clerk of the court and which may be payable as between parties are:

- (a) for issuing a statement of claim, \$100;
- (b) for an application to reopen a default judgment, \$50;
- (c) to issue a certificate of judgment or an order, \$10;
- (d) to issue a summons to a payment hearing,
 - (i) once every 6 months, \$10, or
 - (ii) more often than every 6 months, \$25;
- (e) for each manual search, \$20 to a maximum of 15 minutes and \$10 for each additional 15 minutes of portion of that time period;
- (f) for each computer search, \$35 to a maximum of 15 minutes and \$20 for each additional 15 minutes or portion of that time period, plus \$2 per page for each additional page printed;
- (g) for each file requested for viewing, \$6 per file;
- (h) for service of each civil document by a private process server or by registered mail the actual costs to a maximum of \$40;
- (i) for conducting a search of any registry maintained by the government the actual cost to the maximum of \$40;

- (j) the fees payable to a witness
 - (i) for attendance, \$4 a day,
 - (ii) for a witness declared by the court to be an expert witness, a maximum of \$100 a day, and
 - (iii) subject to subparagraph (i), an allowance for travel by motor vehicle per kilometre for each kilometre necessarily travelled from the residence to the court and return, \$0.25;
- (k) if, in a judge's discretion, public transportation can be used on a timely basis, a witness may not be allowed the amount prescribed in subparagraph (j)(iii) but may be entitled to the fare for travelling to and from the place of the trial by public transportation;
- (l) on any proceeding, payment of fees and costs in addition to those specified in paragraphs (a) to (k) may be awarded, in the judge's discretion, in an amount not exceeding \$300; and
- (m) with respect to a default judgment entered by the court under rule 8, the fees and costs shall be the actual fees and costs in an amount not exceeding the following:
 - (i) fee for issuing a statement of claim, \$100;
 - (ii) fee for service for a civil claim by a private process server or by registered mail the actual cost to a maximum of \$40,
 - (iii) fee to conduct a search of any registry maintained by the province shall be the actual cost to a maximum of \$40,
 - (iv) to issue a summons to a payment hearing,
 - (A) once every 6 months, \$10, or
 - (B) more often than every 6 months, \$25,

(v) to issue a certificate of judgment or an order, \$10.

©Earl G. Tucker, Queen's Printer

Index

PART I

Change of Name Act – Notices	263
Quieting of Titles Act – Notice	260
Trustee Act – Notice	260
Urban and Rural Planning Act – Notices	259

PART II

CONTINUING INDEX OF SUBORDINATE LEGISLATION

Title of Act and Subordinate Legislation made thereunder	CNLR or NL Reg.	Amendment	NL Gazette Date & Page No.
Small Claims Act			
Small Claims Rules (Amendment)	34/04	Amends NLR 52/04 Sch.. Amdt.	May 7, 2004, p. 159

The Newfoundland and Labrador Gazette is published from the office of Earl G. Tucker, Queen's Printer.

Copy for publication must be received before **Friday, 4:30 p.m.**, seven days before publication, to ensure inclusion in next issue. Advertisements should be typewritten or printed legibly, separate from covering letter. Number of insertions required must be stated and the names of all signing officers typewritten or printed.

Advertising rates are available upon request. Subscription rate for *The Newfoundland and Labrador Gazette* is \$125.00 for 52 weeks plus applicable tax (\$133.75). Weekly issues of \$3.00 per copy, plus tax payable in advance.

All cheques, money orders, etc., should be made payable to THE NEWFOUNDLAND EXCHEQUER ACCOUNT and all correspondence should be addressed to: Office of the Queen's Printer, P. O. Box 8700, Ground Floor, East Block, Confederation Building, St. John's, NL A1B 4J6. Telephone (709) 729-3649. Fax: (709) 729-1900.

Web Site: www.gov.nl.ca/queensprinter

Legislative History of the Judicature Act, 1791-1988

Price \$25.00 plus G.S.T.

(Plus \$2.00 postage and handling)

Place you order by contacting:

Office of The Queen's Printer

Confederation Building, East Block

St. John's, NL A1B 4J6

Telephone: (709) 729-3649 Fax: (709) 729-1900

Government Information Product

Publication Rate Mail

G.S.T. # R107442683

All requests for Subscription and Legislation MUST be prepaid.